

# **NOTICE OF APPEAL CHECK LIST**

## **CIVIL APPEALS**

### **RETAINED COUNSEL (NON-PRISONER)**

A retained attorney who is filing an appeal from a civil case must file the following:

1. Notice of Appeal.
2. \$455.00 fee

If the attorney has a credit card on file with the court, the appeal may be filed through ECF. If a credit card is not on file with the court, it must be filed in paper form with the fee.

If the attorney was retained for the civil case, but the party wishes to proceed on appeal in forma pauperis, the following is required:

1. Notice of Appeal
2. Motion To Proceed In Forma Pauperis
3. CJA 23 Financial Affidavit

This motion will be ruled by the presiding judge.

## **APPOINTED COUNSEL (NON-PRISONER)**

Appointed attorneys refer to Local Rule 12.07 for attorney obligations concerning appeals. An appeal filed by an appointed attorney in a non-prisoner civil case must file the following:

1. Notice of Appeal.

The Notice of Appeal should be filed through ECF.

## **PRO SE NOTICE OF APPEALS (Non-Prisoner)**

A pro se party who was granted in forma pauperis status in a non-prisoner case files:

1. Notice of Appeal.

A pro se party who is filing an appeal and paid the original case filing fee, must file the following:

1. Notice of Appeal
2. \$455.00 Notice of Appeal fee

or

Motion to Proceed In Forma Pauperis and CJA23 Financial Affidavit

# **CRIMINAL APPEALS**

The following is required when filing a criminal appeal:

1. Criminal Notice of Appeal Form
2. \$455.00 Notice of Appeal Fee  
or Motion To Proceed In Forma Pauperis on Appeal form with CJA 23  
Financial Affidavit Form

If the defendant has appointed counsel, the Motion To Proceed In Forma Pauperis and the CJA 23 Financial Affidavit does not need to be filed.

If a defendant has retained counsel, but seeks to proceed on appeal in forma pauperis, a Motion To Proceed In Forma Pauperis form with the CJA 23 Financial Affidavit Form must be completed by the defendant and filed with the court.

This motion is ruled by the presiding judge.

# **PRISONER APPEALS**

## **HABEAS PRISONER NOTICE OF APPEAL<sup>1</sup>**

Habeas petitioners, if previously granted leave to proceed In Forma Pauperis, files:

1. Notice of Appeal

Habeas petitioners who paid the fee for a Petition For Writ of Habeas Corpus files:

1. Notice of Appeal
2. Motion To Proceed In Forma Pauperis  
or the \$455.00 Notice of Appeal fee.

## **PRISONER CIVIL CASE NOTICE OF APPEAL**

A prisoner who is filing an appeal for a non-habeas civil case must file the following:

1. Notice of Appeal
2. \$455.00 Notice of Appeal fee  
or Motion to Proceed In forma Pauperis on Appeal form and a certified copy of the  
prisoner's inmate account statement

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<sup>1</sup> "Habeas" in this check list refers to both state prisoners filing Petition For Writ of Habeas Corpus under 28 U.S.C. § 2254 and federal prisoners filing Motion To Vacate/Set Aside/or Correct Sentence under 28 U.S.C. § 2255.